IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

RP.No. 126 of 2007(S)
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AGAINST THE JUDGEMENT IN WPC.30471/2006 Dated 22/01/2007
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RESPODNDENTS IN THE W.P.
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1. THE STATE OF KERALA,REP. BY THE CHIEF SECRETARY,GOVERNMENT OF KERALA, SECRETARIAT,THRIRUVANANTHAPURAM.

2. THE AGRICUTLTURE PRODUCTION (COMMISSIONER),GOVERNMENT OF KERALA, SECRETARIAT,.THIRUVANANTHAPURAM.

3. THE PRINCIPAL SECRETARY, DEPARTMENT OF AGRICUTLTURE, SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI P.K.BABU

RESPONDENTS: PETITIONER IN WRIT PETITION
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SRI.ASHOK KUMAR,S/O.GANGADHARAN NAIR, MANAGING EDITOR,KARSHAKA SAKTHI B.P.NO.III/1128, FARMERS MARKET BUILDING,THEMBAMUTTAM, BALARAMAPURAM.

BY ADV. SRI.R.T.PRADEEP

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.R.RAMAN & S.SIRI JAGAN, JJ.**

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**R.P.NO.126 OF 2007 IN**
**W.P.(C)NO.30471 OF 2006**

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**Dated this the 19th day of July, 2007**

**O R D E R**

Raman,J.

This petition is filed seeking review of the judgment dated 22/1/2007 rendered by the Division Bench of this Court in W.P.(C). No.30471/2006. The operative portion of the judgment reads thus:

> "....Considering the totality of the facts and circumstances of the case, we direct the State to grant administrative sanction within seven days and spend the budget allocation amount within this financial year."

2. The financial year is already over. In this review petition the only ground urged is that the State could not file a counter affidavit and therefore there is no opportunity to place all the facts. In this connection, it is to be noticed that in paragraph 2 of the judgment this Court observed that the when matter has come up for consideration on 17/11/2006, the Government pleader was asked to get instruction in the matter. The learned Government Pleader sought time to file counter affidavit and again the matter was adjourned to 15/1/2007 and on 15/1/2007 when the matter came up for hearing, this Court found that

no counter affidavit was filed by the State. Though several opportunities were granted to file the counter affidavit, no counter affidavit is filed. In such circumstances, we are not impressed with the contention that the petitioner herein had no opportunity to file any counter affidavit. This is the only ground urged and the review being not re-hearing of the matter, is liable to be dismissed. However, consider the facts and circumstances of the case and taking into consideration the plea raised that substantial amount has been spent, we direct that the time fixed in the judgment is enlarged by three months from today for spending the balance amount.

Review Petition is dismissed subject to the above direction.

**P.R.RAMAN,**
**Judge.**

**S.SIRI JAGAN,**
**Judge.**

kcv.